

REMARKS

In response to the Final Office Action mailed 11/22/2010, applicant respectfully requests that the Examiner consider the enclosed RCE, amendments to the claims and the following remarks. Claims 2, 8, 9, 15, 16 and 18-20 have been amended in this response to clarify the invention. Claims 3-5 and 7 were previously cancelled; claims 1, 6, 12, and 17 have been cancelled in this amendment. Claims 10, 11, 13, and 14 were previously presented. Claims 21-25 are newly added. Support for the amendments to claims 16 and 21 and the new claims appear in the specification at paragraph 27. Claims 2, 8-11, 13-16 and 18-25 are currently pending.

Claim Objection

Claims 2 and 9 were objected to for having recitations that did not include an antecedent basis. Each of the claims has been amended to overcome the objection. Reconsideration is requested.

Claim Rejection §103

Claims 1, 2 and 12 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 6045671 to Wu (Wu) in combination with U.S. Patent No. 4596645 to Stirn (Stirn). As for claim 1, the Examining Attorney states that Wu teaches all of the limitations of claim 1 except the S gun of Stirn creates the "cluster". Applicant respectfully disagrees. The modification in Stirn that Examiner refers to discloses "one sputtering gun 31 mounted with a vertical sputtering axis directly below the center of a substrate holder 32, and two S-Guns, 33 and 34, one on each side, each having its sputtering axis at an angle from the vertical and pointing at the center of the substrate holder 32, as shown in FIG. 2." (Stirn, Col 4, lines 2-9). As clearly indicated in Fig. 2 of Stirn, the guns "on each side" are clearly not "clustered" and appear to be arranged in a typical plasma source fashion that led to the problems that the present invention overcomes.

To better describe the invention claimed in the application, applicant has cancelled claim 1 and added new independent claim 21. With regard to new independent claim 21, the present invention as claimed provides that the shaft and each gun in the cluster is controlled by a program having predetermined parameters that select the gun, catalyst material, amount of power to each gun, amount of time of deposition for each catalyst material, and the z, x and y coordinate position of the shaft to create individual sample spots.

Nothing in Wu or Stirn disclose or suggests the invention claimed in new claim 21. One skilled in the art would not have thought to change Wu in light of Stirn to include the novel features of the present invention. In that all the remaining claims depend on claim 21, it is

respectfully submitted that this application is patentably distinguishable over Wu combined with Stirn. Reconsideration and withdrawal of the rejection are requested.

The claims were further rejected in view of U.S. Patent No. 649167 to Corderman (Corderman). As discussed above, nothing in Wu, Stirn, or Corderman discloses or suggests the invention claimed in new claim 21. In that all the remaining claims depend on claim 21, it is respectfully submitted that this application is patentably distinguishable over Wu combined with Stirn and Corderman. Reconsideration and withdrawal of the rejection are requested.

The claims were further rejected in view of U.S. Patent No. 7544574 to Chiang (Chiang) combined with Wu, Stirn, and Corderman. Applicant respectfully points out that the filing date of Chiang is 02-10-2006. Applicant's filing date is 1-14-2004. Chiang is not applicable as prior art because the modification must be one which would have been obvious to one of ordinary skill in the art at the time the invention was made. In that Chiang was not available at the time the present invention was made, the rejection is improper and applicant requests that it be withdrawn.

The claims were further rejected in view of U.S. Patent Application No. 20050035002 to Wang combined with Wu, Stirn, Corderman and Chiang. For the reasons stated earlier with regard to Chiang, applicant respectfully requests withdrawal of the rejection.

Conclusion

Applicant submits that this RCE and Amendment places this application in condition for allowance by amending claims to render all pending claims allowable over the cited art. Accordingly, issuance of a notice of allowance is requested. Should the Examiner have any questions or suggestions, applicants' undersigned attorney requests that the Examiner initiate a telephone call to expedite prosecution of the application.

Respectfully submitted,



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